

Nick Torrance

From: Kent <Kent@AerialPhotographers.us>
Sent: Sunday, April 18, 2021 6:42 PM
To: Nick Torrance
Subject: Ord 1700, Cond 15 Comment

CAUTION: This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Hello Nick,

Here a comment to pass along.

Thanks,

April 2, 2021

Nicholas Torrance
Sussex County – Planning & Zoning
2 The Circle
P.O. Box 417
Georgetown DE, 19947
nicholas.torrance@sussexcountype.gov

Mr. Torrance,

The Amenities Committee within Grande at Canal Pointe (GCP) consists of 15 homeowners that meet 10 times per year to provide a forum for community ideas and input focused on continued improvement of our common areas. Our collective Committee would like to express our support for the request to amend Ordinance 1700 to remove condition #15 – "No piers, docks, boat ramps, or other water related recreational facilities shall be permitted". We believe that the documentation provided to your team with this request represents a clear majority of our homeowners wants and needs for the continued improvement of our community.

Thank you for assisting our neighborhood in this matter.

Sincerely,

Jeff Topley, Committee Chairman
37369 Oxford Court
Rehoboth Beach, DE 19971

Rick Dressel
41332 Gloucester Dr.

Mike Searson
19549 Manchester Dr.

John Zingo, Board Liaison
19465 Bridgewater

Kent Larson, Board Liaison
37448 Liverpool Lane

Ellen Ronay Hughes
41349 Gloucester Dr.

Judy McClafferty
41226 Gloucester Dr.

Irene Paonessa
41361 Gloucester Dr.

Catherine Pergo
37541 Worcester Dr.

Doug Hawkland
37484 Liverpool Lane

Kathy Pizzadrelli
19480 Manchester Dr.

Christopher Shipp
37452 Liverpool Lane

Robin Bedlington
41373 Gloucester Dr.

John Robinson
29564 Manchester Dr.

Lenny Stumpf
41263 Gloucester Dr.

April 20, 2021

VIA EMAIL

Planning & Zoning Department
Attn: Planning & Zoning Commission
2 The Circle
PO Box 417
Georgetown, DE 19947
jamie.whitehouse@sussexcountyde.gov
annlepore@sussexcountyde.gov
chase.phillips@sussexcountyde.gov

**RE: Opposition to C/Z 1926 CP Townhomes, LLC (Canal Point RPC)
Our File No.: 18388-003**

Dear Commissioners:

We represent Bob Reed, Martin and Eileen Clark, Connie Malmberg, Mike Stakias, Joseph Coates, Payam Hariri, Barry Rosenthal, Sally Fogarty, and Jan O'Malley all residents of Henlopen Acres (collectively the "Property Owners").¹ These Property Owners oppose C/Z 1926 to remove one of the conditions of approval of C/Z 1538 and Ordinance 1700 which prohibits piers, docks, boat ramps and other water related recreational facilities in this development.

Ordinance 1700 (the "Ordinance") amended the Comprehensive Zoning Map of Sussex County from a MR Medium Residential District to a MR-RPC Medium Density Residential District-Residential Planned Community. On May 25, 2004, the County Council voted to approve C/Z 1538 subject to twenty (20) Conditions finding consistency with the Comprehensive Development Plan and promotion of the "health, safety, morals, convenience, order prosperity and welfare of the present and future inhabitants of Sussex County."

The County Council found that the change of zone was appropriate legislative action based on a number of reasons, confirming that the twenty (20) conditions imposed as part of the change of zone served to "minimize any potential impacts of the surrounding area." The proposed amendment to Ordinance 1700 contemplates removal of Condition No. 15 ("Condition 15") which states "No piers, docks, boat ramps, or other water related recreational facilities shall be permitted." When the County Council passed Ordinance 1700, they confirmed that "The applicant established by substantial evidence that the proposed use would not have an adverse

¹ See Exhibit A detailing the Property Owner Names and Addresses.

impact on the character of the neighborhood, property values, traffic or the environment.” If granted, this amendment to remove Condition 15 will permit many adverse impacts on the surrounding area environmentally, aesthetically, and would create considerable safety and noise concerns. Now that the entire Canal Pointe community is developed, this original condition has even more significance and must be enforced not removed.

The Property Owners are also specifically opposed to the installation of any dock and especially a dock designed similar or identical to the dock proposed in 2017. The 2017 design was defined as a “Kayak/Canoe Launch” but appeared to be much more than that, consisting of a 8’ x 6’ ramp, 18’ x 6’ fixed walkway/pier, 12’ x 3’ gangway, 10’ x 6’ floating pier, and 8’ x 30’ floating dock.

The designated area for the proposed dock and recreational area is located between two environmentally sensitive areas consisting of land in the flood zone and/or Federal and State protected wetlands.² In fact, except for the small area where the applicant now wants to set up the dock and recreational area, the entire eastern border of the subdivision consists of Federal or State protected wetlands. If any dock or recreational area is permitted, the installation of the dock will further damage an environmentally sensitive area of wetlands that has already been damaged by residents of this development by launching kayaks and paddle boards into the canal. The developer and now the HOA have not prohibited the very use which the HOA now wishes to permit. The HOA wants to now allow all families who have community access to this adjacent area to have the right to a semi-public community launch site for numerous water related recreational activities. If Condition 15 is removed, it will be an invitation for all manner of activities at the canal front and the eventual destruction of wildlife (a family of Eagles that nest within 100 yards of the area), aquatic habitat, and flora and fauna in and near the canal and the wetlands adjacent thereto.

No residents of the community can claim that they were not aware of and bound by this restriction. They could not have any reasonable expectation that access to the canal would be permitted. The typical resident may have assumed that recreational activities in the canal were permissible in this area because the developer and the HOA constructed a non-permeable Concrete Walkway that ends near but not in the environmentally sensitive area proposed for dock installation. In the Applicant’s submission, it suggests Canal Park and the Concrete Walkway abut a marsh area. The Applicant included a Plan View of the Proposed Project drafted and prepared by Precision Marine Construction Inc. on June 6, 2017 that states that the distance to the end of the Concrete Walkway to the Canal is at least 56 feet. In the original recorded site plan, the area east of the end of the existing walkway was identified as wetlands.

Further, in the reasons supporting the approval of Ordinance 1700, the County Council found that the projects would be served by amenities located *on site, which include, but are not limited to, a swimming pool and walking trails*. This proposed dock is an offsite, geographically distant amenity inconsistent with the amenities plan for the community and exceeds the scope of what County Council considered appropriate legislative action for the approved change of zone.

² See Exhibit B including Plot Book 88, Page 163, 165, and 171 of the Canal Point Residential Planned Community Record Plan.

In addition to concerns about environmental impacts, the Applicant's submission referenced a five-space parking area for vehicles over 400 feet to the proposed designated dock area. The Property Owners are reasonably concerned that permanent or semi-permanent structures will begin to appear within a year to support kayak and paddle storage because there is no parking closer than 400 feet away from the proposed communal dock and recreation site. This will not only be aesthetically unappealing but will also cause further damage to the environment if structures are built in this environmentally sensitive area.

The residents of this development have other options for recreational water activities including the option to launch their kayaks, canoes, and paddle boards at the numerous other public water access locations in Rehoboth, Dewey, and Lewes. The Rehoboth Lewes Canal does not have the width or traffic capacity to have a kayak or paddle board party area in this location while also dealing with substantial motorized boat traffic that traverses the area, especially in the summer months. Permitting the removal of Condition 15 could also set a precedent for other owners in this community with possible minimal water access to the canal to seek to install other communal docks and recreational areas along the canal.

It is true that some of the objectors have docks on the other side of the canal. However, private, existing docks are different from the communal dock and recreational area proposed by the Applicant. Specifically, no private dock owner would allow hundreds of people to come through their property, drag or trundle kayaks and paddle boards or canoes over their private property to spend a day rowing and swimming around the canal. Removing the express condition as requested would allow just that. For public safety and the reasons stated above this is a terrible idea, is expressly counter to the above quoted reasons for adopting the original ordinance and the County should not permit it now.

Thank you for your consideration of the Property Owner's opposition to this application. They respectfully request that the Commission recommend denial of the request to remove Condition 15 from Ordinance 1700.

Very truly yours,

BAIRD MANDALAS BROCKSTEDT LLC

/s/ Stephen W. Spence

Stephen W. Spence, Esquire (#2033)

sws@bmbde.com

/s/ Mackenzie M. Peet

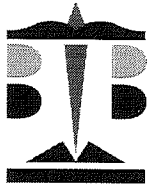
Mackenzie Peet, Esquire (#6692)

mackenzie@bmbde.com

1413 Savannah Road, Suite 1

Lewes, DE 19958

(302) 645-2262



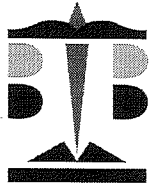
BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT A

Property Owner Names and Addresses

Property Owner Name and Address List

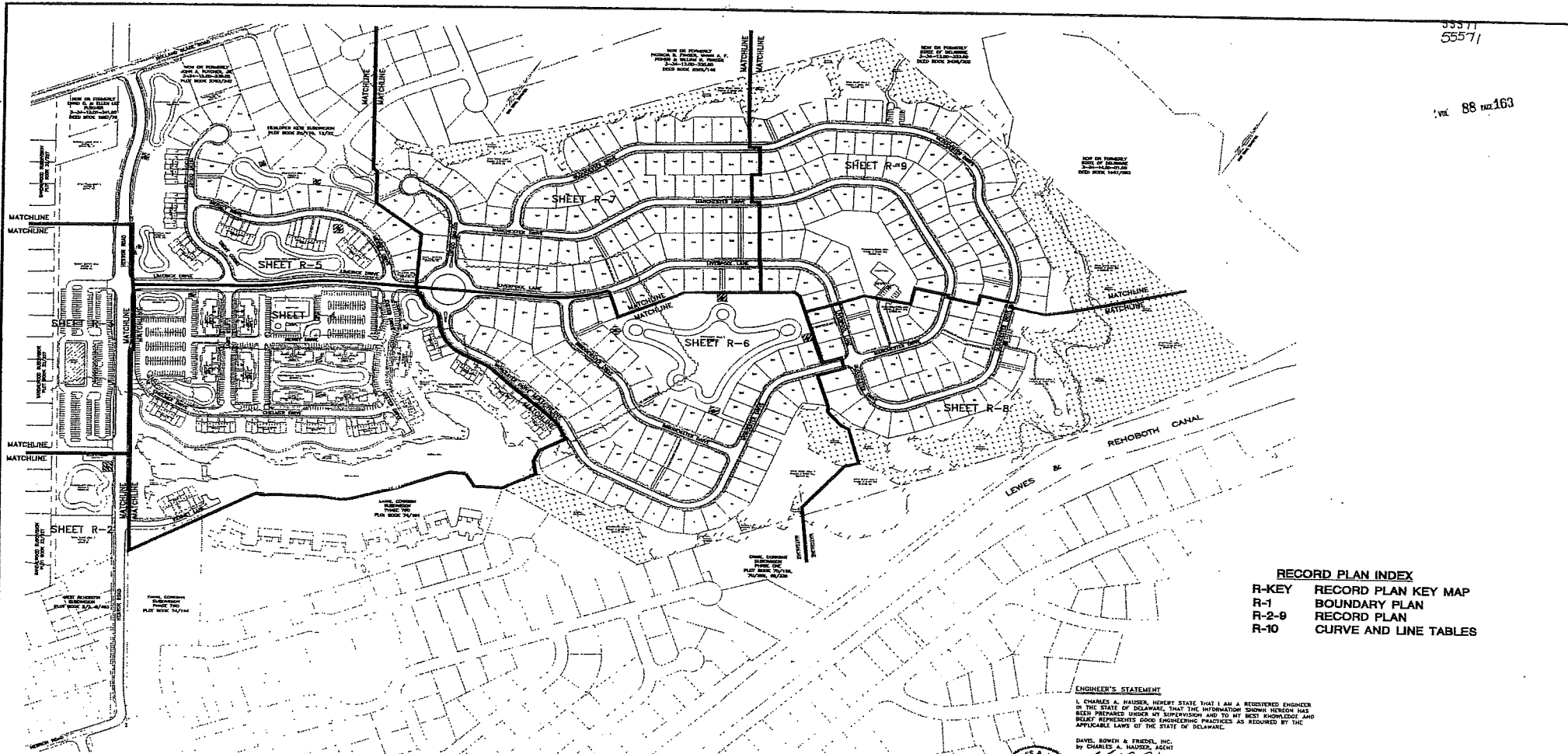
Property Owner Name	Property Owner Address
Robert Reed	57 Tidewaters, Rehoboth Beach, DE 19971
Martin Clark	59 Tidewaters, Rehoboth Beach, DE 19971
Eileen Clark	59 Tidewaters, Rehoboth Beach, DE 19971
Constantine Malmberg	52 Tidewaters, Rehoboth Beach, DE 19971
Michael Stakias	51 Tidewaters, Rehoboth Beach, DE 19971
Joseph Coates	61 Tidewaters, Rehoboth Beach, DE 19971
Payam Hariri	61 Tidewaters, Rehoboth Beach, DE 19971
Barry Rosenthal	65 Tidewaters, Rehoboth Beach, DE 19971
Sally Fogarty	63 Tidewaters, Rehoboth Beach, DE 19971
Janice O'Malley	55 Tidewaters, Rehoboth Beach, DE 19971



BAIRD
MANDALAS
BROCKSTEDT LLC

EXHIBIT B

Record Plan



55571
55571
Vol. 88 No. 163

RECORD PLAN INDEX

R-KEY	RECORD PLAN KEY MAP
R-1	BOUNDARY PLAN
R-2-9	RECORD PLAN
R-10	CURVE AND LINE TABLES

GENERAL NOTES

1. LOTS LITTY SHALL BE NOTED THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO EXCAVATION, AT 1-800-282-2000.
2. TOPOGRAPHIC AND BOUNDARY SURVEY PERFORMED BY DAVIS, BOWEN & FRIEDEL, INC. OF BALTIMORE, MARYLAND IN CONJUNCTION WITH THE CONSTRUCTION OF THIS PROJECT.
3. EXISTING UNIMPROVED LITERATURE SHOWN ON THE PLAN, INCLUDING TELEPHONE, CABLE, AND TRAILWAYS, SHALL BE MAINTAINED AND PROTECTED BY THE CONTRACTOR. NO DAMAGE TO ANY EXISTING UTILITY SHALL BE DONE BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES.
4. CONTRACTOR SHALL DETERMINE THE LOCATION OF ALL EXISTING UTILITIES AND MAINTAIN THEM IN THEIR ORIGINAL POSITION. ANY DAMAGE TO EXISTING UTILITIES SHALL BE REPAIRED BY THE CONTRACTOR AT HIS OWN EXPENSE.
5. DELINEATE INDICATORS, INCLUDING STAKES, SPRINKLER SYSTEMS, AND OTHERS, SHALL BE MAINTAINED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS.
6. ALL EXISTING UTILITIES, INCLUDING STAKES, SPRINKLER SYSTEMS, AND OTHERS, SHALL BE MAINTAINED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS.
7. DELINEATE INDICATORS, INCLUDING STAKES, SPRINKLER SYSTEMS, AND OTHERS, SHALL BE MAINTAINED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS.
8. DELINEATE INDICATORS, INCLUDING STAKES, SPRINKLER SYSTEMS, AND OTHERS, SHALL BE MAINTAINED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS.
9. DELINEATE INDICATORS, INCLUDING STAKES, SPRINKLER SYSTEMS, AND OTHERS, SHALL BE MAINTAINED IN ACCORDANCE WITH THE DELAWARE STATE FIRE PREVENTION REGULATIONS.
10. ALL CONSTRUCTION AND MATERIALS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE DELAWARE DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION DATED AUGUST 2001 AND ANY AMENDMENTS THEREOF.
11. ALL EXISTING AREAS WITHIN THE STATE RIGHT-OF-WAY, AND NOT IN PAYMENT, SHALL BE TOPSOILED (1" MINIMUM), FERTILIZED, AND SEED.
12. A 24-HOUR (MINIMUM) NOTICE SHALL BE GIVEN TO THE DISTRICT POINT SUPERVISOR PRIOR TO STATING ENTRANCE CONSTRUCTION.
13. ALL BIDS FOR MAINTENANCE OF TRAFFIC IN THE CONSTRUCTION AREA SHALL FOLLOW THE GUIDELINES SHOWN IN THE TRAFFIC CONTROL FOR STREET AND HIGHWAY CONSTRUCTION, MAINTENANCE, UTILITY AND EMERGENCY (LATEST EDITION), PUBLISHED BY THE DELAWARE DEPARTMENT OF TRANSPORTATION.
14. DESIGN, FABRICATION, AND INSTALLATION OF ALL PERMANENT SIGNAGE SHALL BE AS OUTLINED IN THE "GUIDE FOR FABRICATION AND INSTALLATION OF TRAFFIC CONTROL SIGNAGE".
15. THE SUSSEX COUNTY DISTRICT RESERVES THE RIGHT TO ADD, MODIFY, OR DELETE ANY SIGNAGE OR SIGNAGE CONTROL MEASURES AS IT DEEMS NECESSARY.
16. CONTRACTOR SHALL COMPLY WITH DELAWARE DEPARTMENT OF TRANSPORTATION, POLICE, SUPERVISORS AND RESIDENTS AND COORDINATE ACTIVITIES WITH DEL. DEL. TRAFFIC SECTION PRIOR TO CONSTRUCTION OF ACTIVITIES.
17. CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE OF TRAFFIC IN ALL WORK AREAS IN ACCORDANCE WITH DEL. DEL. TRAFFIC SECTION, AND DELAWARE DEPARTMENT OF TRANSPORTATION, POLICE, SUPERVISORS AND RESIDENTS AND COORDINATE ACTIVITIES WITH DEL. DEL. TRAFFIC SECTION PRIOR TO CONSTRUCTION OF ACTIVITIES.
18. SUPERVISOR SHALL CONDUCT WITHIN THE LIMITS OF THE RIGHT-OF-WAY INDICATED TO THE PUBLIC LINE SHOWN ON THE PLAN AND TO BE MAINTAINED BY THE STATE OF DELAWARE FOLLOWING THE COMPLETION OF THE PROJECT BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE OF TRAFFIC IN ALL WORK AREAS IN ACCORDANCE WITH DEL. DEL. TRAFFIC SECTION, AND DELAWARE DEPARTMENT OF TRANSPORTATION, POLICE, SUPERVISORS AND RESIDENTS AND COORDINATE ACTIVITIES WITH DEL. DEL. TRAFFIC SECTION PRIOR TO CONSTRUCTION OF ACTIVITIES.
19. THE CONTRACTOR SHALL NOT ADJUST THE STREETS WITHIN THE STATE MAINTENANCE SECTION UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
20. THE FINAL OVERLAY OF NOT MORE THAN 4" FOR ALL STREETS WITHIN THE DEVELOPMENT WILL NOT BE PERMITTED UNTIL THE STREETS HAVE BEEN ACCEPTED BY THE STATE.
21. ALL LOTS SHALL HAVE ACCESS FROM THE INTERNAL SUBDIVISION STREET. EACH LOT WILL BE PERMITTED TO HAVE ONLY ONE ACCESS POINT TO SERVE THE LOT. FUTURE DEVELOPMENTS WILL NOT BE PERMITTED.
22. ALL STEEL USED IN CATCH BASINS SHALL BE 30 IN.
23. ALL BIDS SHALL BE INSTALLED WITH BREAKAWAY POSTS.
24. THE CONTRACTOR SHALL NOTIFY THE FOLLOWING TWO WEEKS PRIOR TO THE START OF CONSTRUCTION AND SHALL APPROPRIATELY CONSIDER, DURING ALL PHASES OF CONSTRUCTION.

ENGINEER'S STATEMENT
I, CHARLES A. HAUSER, HEREBY STATE THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

DAVIS, BOWEN & FRIEDEL, INC.
BY CHARLES A. HAUSER, AGENT
CHARLES A. HAUSER
DELAWARE PROFESSIONAL ENGINEER
NO. 12988
DATE 9-28-04

CHAIRMAN OR SECRETARY OF THE COMMISSION
Sue Albright
PRESIDENT OF THE SUSSEX COUNTY COUNCIL
DATE 10/18/04

WETLANDS CERTIFICATION
WE, ENVIRONMENTAL CONSULTANTS, INC., STATE THAT THE STATE AND/OR FEDERAL WETLANDS Delineation DELINEATED UPON THIS PLAN ARE ACCURATELY SHOWN AND THAT THE DELINEATION WAS PERFORMED UNDER OUR SUPERVISION AND IN ACCORDANCE WITH THE APPROPRIATE STATE OR FEDERAL STANDARD FOR IDENTIFYING AND DELINEATING WETLANDS.

DATE 10/18/04

OWNER'S CERTIFICATION
WE, CANAL POINT LLC, HEREBY CERTIFY THAT WE ARE THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT OUR DIRECTION, THAT WE ACKNOWLEDGE THE SAME IN OUR ACT AND BELIEVE THE PLAN TO BE CORRECT AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

DATE 10/18/04

ACS GOVERNMENT SERVICES

dbf
DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS
SUSSEX COUNTY, DELAWARE (302) 422-1441
FAX (302) 422-1441

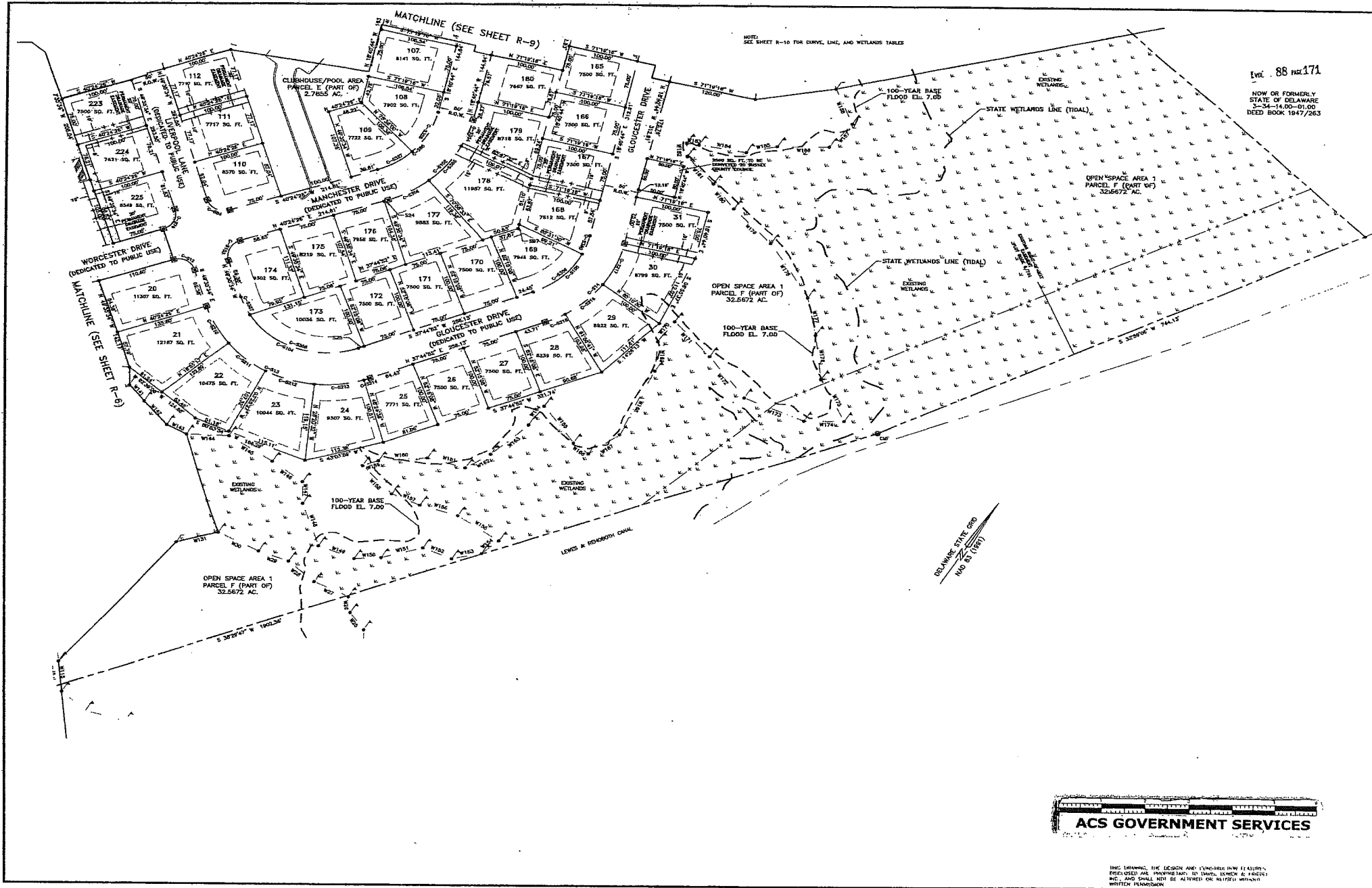
RECORD PLAN KEY MAP

CANAL POINT
RESIDENTIAL PLANNED COMMUNITY
LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE

R-KEY

REVISIONS:
1/18/04 COUNTY COUNCIL
2/23/04 DEP.
4/23/04 PLANNING DEPT.
6/14/04 PLANNING DEPT.
9/23/04 PLANNING DEPT.

DATE: 09/28/04
BY: [Signature]
CHECKED: [Signature]
DATE: 10/18/04



DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS
SALISBURY, MARYLAND (410) 424-2000
MILFORD, DELAWARE (302) 424-1441



RECORD PLAN

CANAL POINT
RESIDENTIAL PLANNED COMMUNITY
LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE

REVISED:
7/14/04 COUNTY COUNCIL
1/20/04 DBF
8/23/04 PLANNING DEPT.
8/23/04 PLANNING COM.
8/23/04 PLANNING DEPT.

Date: JUNE 2004
Scale: 1"=60'
Drawn By: TPS/DJS
Checked By: J22RAD04

R-8



THIS DRAWING, THE DESIGN AND CONSTRUCTION FEATURES,
DETAILED AND PROPORTIONS TO SCALE, DRAWN & PREPARED
BY, AND SHALL NOT BE ALTERED OR REPRODUCED WITHOUT
WRITTEN PERMISSION

00-111670 40 2004

Town of Henlopen Acres

*104 Tidewaters
Henlopen Acres, Delaware 19971*

Phone: 302-227-6411

Fax: 302-227-3978

April 21, 2021

VIA EMAIL TO: Jamie.whitehouse@sussexcountyde.gov
Annlepore@sussexcountyde.gov
Chase.phillips@sussexcountyde.gov

Sussex County Planning & Zoning Commission
2 The Circle
P.O. Box 417
Georgetown, DE 19947

RE: Case No. C/Z 1926 - Zoning Amendment for Canal Pointe

To Whom It May Concern:

I serve as Mayor of the Town of Henlopen Acres, an incorporated municipality of 200 homes on 156 acres that borders the Lewes & Rehoboth Canal. Our community greatly values the protection of environmentally sensitive areas and the preservation of a tranquil environment for our residents.

The Town was not served with the Notice of Public Hearing scheduled to occur tomorrow, April 22, 2021 in the above-referenced matter and was only alerted to it by one of the affected residents. Since that time, we have endeavored to fully understand the request and to ensure that all our owners in the immediate vicinity were aware of the public hearing, which many were not.

The Commissioners of Henlopen Acres convened a special meeting on April 21, 2021 and voted to oppose the pending request for a Zoning Amendment by CP Townhomes LLC and the Canal Pointe Maintenance Corporation to remove Condition 15 from Ordinance 1700. The removal of Condition 15 would permit the Canal Pointe community to pursue a dock project that will impact our Town and will most significantly affect our residents along Tidewaters Road who are located across from the proposed dock site. We understand the proposed dock will be used by a minimum of 283 single-family homeowners and possibly up to 600 total homeowners if access is subsequently extended to the town house and condominium owners at Canal Pointe.

We respectfully wish to make the following statements to the Planning & Zoning Commission on the proposed Amendment request:

1. Original Rationale for Condition 15

As a threshold matter, we believe that the Planning & Zoning Commission should determine and make public the reason(s) the County included Condition 15 when the development was originally approved by the County in 2004. If the County ultimately decides to endorse and approve construction of this community dock through the removal of Condition 15, it should explain why that rationale no longer applies. We note that this fundamental issue was not addressed by the Applicant or in the Staff Analysis memo from the County Planning Office that was included in the packet of information for the hearing. If the rationale includes the protection of the environmentally sensitive area at issue, we note that the City of Rehoboth Beach is on the verge of opening a new public canal dock and kayak launch site that is very nearby and could be utilized by Canal Pointe residents. Use of the Rehoboth Beach dock will ensure that the environmentally sensitive area at issue here remains undisturbed.

2. Protection of Wetlands under Condition 14

We understand that during the subdivision approval process in 2004, the Department of Natural Resources and Environmental Control (DNREC) observed that “the project represents a major loss of forested wetlands” and urged that “buffers of 100’ or more from waterbodies and wetlands should be employed throughout the site for water quality and habitat benefits.” (Source: Letter from Office of State Planning to Project Manager dated January 10, 2004).

Our residents report seeing large swaths of trees and plantings abutting the wetlands being cut to establish the Park in which the dock is proposed to be built, and we believe the Planning Commission should ensure that all required buffers, whether by the State or County, are being respected to ensure protection of vital natural resources. It is noteworthy that Condition 14 of Ordinance 1700 provides that “Federal and State wetlands shall be maintained as non-disturbance areas, except where authorized by Federal or State permit.” The observations of our residents call into question whether Canal Pointe is currently in compliance with Condition 14. We believe removal of Condition 15 will almost certainly result in a lack of compliance with Condition 14.

3. Narrow Relief

While the Town’s position is that Condition 15 should remain in its entirety, if this proposal is ultimately approved by the Commission and County Council, we believe that Condition 15 should not be eliminated in its entirety but rather a narrow exception should be added that authorizes a small dock suitable for launching kayaks but otherwise leaves Condition 15 in place to preclude other water-related recreational facilities from being built at Canal Pointe. We believe that if any relief is granted (and we do not think it should be) such narrow relief is the only option to preserve and protect the sensitive wetlands area that surrounds the proposed dock site and the valuable wildlife habitat in the area which includes an eagle nesting area.

4. Impact on Neighbors


Further, if approved, we request that Canal Pointe establish operational restrictions, including hours of operation and permitted activities, to minimize the impact of noise on adjacent neighbors in the Acres. Because of the proximity of the Park that is located only 140 feet across the Canal, our residents are already being impacted by the gatherings of Canal Pointe residents a short distance away. This will be magnified many times more if the dock is permitted.

5. Owners' Correspondence

While the Town Commissioners have independent reasons to oppose the removal of Condition 15, as expressed in this correspondence, we acknowledge the correspondence provided to the Commission on behalf of several homeowners in the Acres by the Baird Mandalas Brockstedt firm, dated April 20, 2021. We share the concerns of the homeowners raised in that correspondence.

On behalf of the Commissioners and residents, thank you for your consideration,

Sincerely,

A handwritten signature in blue ink, appearing to read "Joni Reich", written over a horizontal line.

Joni Reich, Mayor